

March 11, 2009

House Judiciary Committee
Montana State Legislature
Capitol Building
Helena, Montana

Re: SB 382

Dear Mr. Chairman and Members of the Committee:

For the record, my name is Carol Ferguson. I am submitting this testimony on my own behalf. Over the years, I have seen the Legislature deal with bills whose intent and effect is to help to solve problems, and I have seen the Legislature entertain bills that, regardless of intent, would create new, totally unnecessary problems. Senate Bill 382 is a problem-maker.

A wise legislator once said to me, "What we always need to remember is that, when it comes down to it, we are all neighbors." "Besides," he added, "no matter who is in the majority today, it will be the folks on the other side of the aisle tomorrow. We're no good to Montana if we can't work together."

In trying to dictate to both private and public consciences, SB 382 has a chilling effect on both freedom of speech and freedom of conscience.

SB 382 is designed to foment fear and divisiveness both among our immigrant residents and within every community and every local government unit in the State. These are things that no Legislature should ever undertake to do.

SB 382 would, very specifically and intentionally, impose inappropriate constraints on the existing rights of Montana citizens by limiting the scope of our rights to initiative and referendum.

SB 382 would expose individuals, local governments, and the State to surely painful and potentially enormously costly legal actions, actions from which we are now protected. These actions could be initiated by an individual, a corporation, an organization, or the federal government – anyone who disagrees with a local government official or with an employee within that local government. Now, why would we do that to ourselves?

If you ask what the Fiscal Note says about the costs of SB 382, the answer, as you know, is that Fiscal Notes focus on the projected programmatic costs of implementing legislation, not on the potential costs of lawsuits and judicial actions precipitated by that legislation. Fiscal Notes do not look at costs associated with diverting individuals and agencies from their normal responsibilities. Fiscal Notes do not address the costs to individuals, or the cost of divisiveness within local governments or communities.


Regardless of the outcome of any lawsuits brought under SB 382, the State and its taxpayers would be liable for potentially substantial costs, both the flip side costs that would result from time lost for addressing other responsibilities and needs, and the direct costs incurred in processing and settling lawsuits and appeals. Court time and court costs.

SB 382 is a dictatorial and punitive bill. It would impose its own political philosophy on local governing bodies and employees and it would deprive Montanans of existing rights. It would subject individuals, taxpayers and local governments to unnecessary anxiety, unnecessary constraints and unnecessary financial burdens. The bill would serve no beneficial purpose and could create a great deal of misery.

I urge you to save everyone – the people and the communities of this State, their local governments, and the taxpayers – the unnecessary grief and expense that would result from SB 382.

Please vote NO on SB 382.

Sincerely,

A handwritten signature in cursive script that reads "Carol L. Ferguson".

Carol L. Ferguson
P.O. Box 163
Clancy, MT 59634